



Entered on Docket
November 01, 2007

A handwritten signature in black ink, appearing to read "R. Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP
Susan M. Freeman (AZ 4199)
pro hac vice
Rob Charles (NV 6593)
Anne M. Loraditch (NV 8164)
530 Las Vegas Boulevard South
Las Vegas, Nevada 89101
Telephone (702) 385-3373
Facsimile (702) 385-9447
Email: sfreeman@lrlaw.com
rcharles@lrlaw.com
aloraditch@lrlaw.com

Attorneys for USACM Liquidating Trust

ORRICK, HERRINGTON &
SUTCLIFFE LLP
Marc A. Levinson (CA 57613)
pro hac vice
Jeffery D. Hermann (CA 90445)
pro hac vice
400 Capitol Mall
Sacramento, California 95814
Telephone: (916) 447-9200
Facsimile: (916) 329-4900
Email: malevinson@orrick.com
jhermann@orrick.com

Attorneys for USA Capital Diversified Trust Deed Fund, LLC

SNELL & WILMER, LLP
Robert R. Kinas (NV 06019)
Claire Dossier (NV 10030)
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
Email: rkinas@swlaw.com
cdossier@swlaw.com

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO MICHAEL
BAGINSKI'S CLAIM FILED IN WRONG
DEBTOR'S CASE; AND SUSTAINING
OBJECTION OF DTDF TO PROPOSED
ALLOWANCE OF CLAIM**

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.



1 The Court having considered the "Objection of USACM Trust to Michael
 2 Baginski's Claim Filed in Wrong Debtor's Case; Objection of DTDF to Proposed
 3 Allowance of Claim" [Docket No. 4793] (the "Objection"); with appearances as set forth
 4 in the record at the hearing noted above; appropriate notice of the Objection having been
 5 given; no response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

7 1. The Objection is sustained;
 8 2. Proof of Claim No. 10725-01150 is disallowed in its entirety as against USA
 9 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF");
 10 and
 11 3. Michael Baginski's equity interest in DTDF is allowed in the amount of
 12 \$288,283.94, as reflected in DTDF's books and records as of April 13, 2006.

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ Anne M. Loraditch (008164)
 16 Susan M. Freeman
 Rob Charles
 Anne M. Loraditch
 17 530 Las Vegas Boulevard South
 Las Vegas, Nevada 89101
 Telephone: (702) 385-3373
 Facsimile: (702) 385-5024

20 *Attorneys for USACM Liquidating Trust*

14 **SNELL & WILMER, LLP**

15 By /s/ Claire Dossier (010030)
 16 Robert R. Kinias
 Claire Dossier
 17 3883 Howard Hughes Parkway, Suite 1100
 Las Vegas, Nevada 89169
 Telephone (702) 784-5200
 Facsimile (702) 784-5252
 and

**ORRICK, HERRINGTON &
SUTCLIFFE LLP**

Marc A. Levinson
 Jeffery D. Hermann
 400 Capitol Mall, Suite 3000
 Sacramento, California 95814-4497
 Telephone: (916) 447-9200
 Facsimile: (916) 329-4900

24 *Attorneys for USA Capital Diversified
Trust Deed Fund, LLC*



1 **RULE 9021 DECLARATION**

2 In accordance with Local Rule 9021, the undersigned certifies:

3 The Court waived the requirements of LR 9021.
4 I have delivered a copy of the proposed order to the Office of the United States
5 Trustee and the parties who filed papers in response to the Objection or appeared at
6 the hearing noted above, and each has:
7 approved the form of this order; and/or
8 waived the right to review the order; and/or
9 failed to file and serve papers in accordance with LR 9021(c); and
10 the following have disapproved the form of the order:
11 n/a
12 No opposition was filed to the objection and no other party or counsel appeared at
13 the hearing.

14 **LEWIS AND ROCA, LLP**

15 By: s/ Anne M. Loraditch

16 Anne M. Loraditch (Nevada Bar No. 8164)
17 530 Las Vegas Boulevard South
18 Las Vegas, Nevada 89101

19 # # #